IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.SASIDHARAN NAMBIAR

THURSDAY, THE 21ST DECEMBER 2006 / 30TH AGRAHAYANA 1928

WP(C).No. 34083 of 2006(G)

OS.57/2001 of SUB COURT, THIRUVALLA

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PETITIONER:

LISSY BABU, AGED 46 YEARS, THEODICAL HOUSE, THEODICAL P.O., VELLIYARA MURI, AYROR VILLAGE, RANNY TALUK, NOW RESIDING AT P.O.BOX.NO.20336, UAE, DUBAI, REP. BY POWER OF ATTORNEY HOLDER, T.G.MATHEW, THEODICAL HOUSE, THEODICAL P.O., VELLIYARA MURI, RANNY TALUK.

BY ADV. SRI.JOHN NUMPELI (JUNIOR)

RESPONDENTS:

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1. UNION OF INDIA REPRESENTED BY FINANCE SECRETARY, MINISTRY OF FINANCE, NEW DELHI.

2. THE DIRECTOR, DIRECTORATE OF REVENUE INTELLIGENCE, NEW DELHI.

3. MR.P.N. VITTAL DAS, ADDL.DIRECTOR GENERAL, DIRECTORATE OF REVENUE INTELLIGENCE, MADRAS.

4. MR.K.N. RAGHAVAN, DEPUTY DIRECTOR, DIRECTORATE OF REVENUE INTELLIGENCE, 19/1069 A, TALI, CALICUT.

5. MR.C. MITRAPRASAD, SENIOR INTELLIGENCE OFFICER, DIRECTORATE OF REVENUE INTELLIGENCE, COCHIN.

6. MR.SAYED MOHAMMED,
INTELLIGENCE OFFICER, DIRECTORATE OF
REVENUE INTELLIGENCE, COCHIN.

7. MR.RAMMURTHY, INTELLIGENCE OFFICER,
DIRECTORATE OF REVENUE INTELLIGENCE,
COCHIN.

8. MRS.G. GOMATHI,
INTELLIGENCE OFFICER, DIRECTORATE OF REVENUE
INTELLIGENCE, DIRECTORATE OF REVENUE
INTELLIGENCE, COCHIN.

BY //

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 21/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.SASIDHARAN NAMBIAR,J.

W.P.(C) .NO. 34083 OF 2006

Dated 21st December 2006

JUDGMENT

Petitioner is plaintiff in O.S.57/01 on the file of Sub court, Thiruvalla. Case of petitioner was that Ext.P1 application was filed by defendants in the suit for joint trial of the suit with O.S.63/00 and 55/01 and 47/04. Petitioner filed objection to Ext.P1 application and no order was passed in Ext.P1. It is contended that still learned Munsiff has posted all the cases together with a direction to to treat O.S.63/00 as the leading case.

2. This petition is filed under Article 227 of Constitution of India to direct Sub court, Thiruvalla to try O.S.57/01 separately. Learned counsel appearing for petitioner and Central Government Pleader appearing for respondents 1 and 2 were heard.

3. If there is no order for joint trial learned Sub Judge cannot try all the suits together or treat O.S.63/00 as the main case. If learned Sub Judge has not passed any order in Ext.P2 application before

directing joint trial, Sub Judge has to pass appropriate order after hearing the parties.

4. Learned counsel appearing for petitioner submits that suit is listed in the special list in January and therefore learned Sub Judge may be directed to dispose I.A expeditiously. If the suit is in the special list and trial court finds that joint trial is not necessary there is no necessity to remove the suit from the special list or adjourn the suit. Court has to try the suits separately. If joint trial is necessary then also court can proceed with the trial

Writ petition is disposed accordingly.

M.SASIDHARAN NAMBIAR,
JUDGE.

uj.